

RESPONSE UNDER 37 C.F.R. § 1.114(c)
U.S. Application No. 09/936,160
Attorney Docket No. Q65858

REMARKS

In the Advisory Action mailed on May 2, 2005, the Examiner raises various issues on a continuation sheet (Form PTO-303) attached thereto.

In paragraph 2 of the continuation sheet, the Examiner alleges that the SNAP publication discloses the recited group of program generation tools (*citing* to page 2-2, paragraph 1 of the SNAP publication).

To the contrary, the SNAP publication relates to a development environment for creating a single type of application, *i.e.*, a SNAP application (*see* page 2-2 of the SNAP publication). The SNAP publication does not teach or suggest “a group of program generation tools to generate programs for each of a plurality of devices forming part of a control system that controls a group of external machines,” as recited in claim 1. For example, the SNAP publication fails to teach or suggest generating programs for the different devices that form part of an overall control system for controlling a group of external machines.

Furthermore, it appears that the Examiner is applying impermissible hindsight in proposing the combination of the SNAP publication and Kodosky. As noted above, the SNAP publication is limited to SNAP applications. Kodosky, however, relates to a computer-based virtual instrumentation system and makes no mention of SNAP applications. Therefore, it is respectfully submitted that the Examiner fails to establish a *prima facie* case of obviousness by establishing a reasonable suggestion or motivation (in the references themselves of the knowledge available to one of ordinary skill in the art at the time of the invention) for combining the SNAP publication and Kodosky in the manner proposed.

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In paragraph 4 of the continuation sheet, the Examiner alleges that the SNAP publication discloses “a data sharing unit adapted to interface with said group of program generation tools to share a variable name and attribute data definitions corresponding to an object of each of said plurality of devices,” as recited in claim 1. In particular, the Examiner alleges that the SNAP publication discloses these features by describing classes, which necessarily become objects when instantiated at runtime.

It is respectfully submitted, however, that the Examiner is ignoring express limitations of the claim. The claim requires more than merely a variable name and attribute data definitions, such that any instantiated class (*i.e.*, object) can be relied on. For example, the claim requires that a variable name and attribute data definitions for an object of each of the devices is shared with the group of program generation tools. The mere instantiation of a class into an object does not teach or suggest these features of claim 1.

In paragraphs 5, 7 and 8 of the continuation sheet, the Examiner alleges that remarks in Applicant’s Amendment, as filed on April 19, 2005, “amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.” Applicant respectfully disagrees. These portions of Applicant’s Amendment merely note additional deficiencies of the applied references, such that the Examiner’s proposed combination would not have rendered claim 1 obvious to one of ordinary skill in the art at the time of Applicant’s invention.

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In paragraph 6 of the continuation sheet, the Examiner fails to address the actual arguments presented in the second paragraph on page 10 of Applicant's Amendment, as filed on April 19, 2005.

In view of the above, and Applicant's Amendment filed on April 19, 2005, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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